

04-1376 FERNANDEZ-VARGAS V. GONZALES, ATTY. GEN.

DECISION BELOW: 394 F.3d 881 (2005 10th Cir.)

LOWER COURT CASE NUMBER: 03-9610

QUESTION PRESENTED

Whether and under what circumstances INA § 241 (a)(5) applies to an alien who reentered the United States illegally **before** the effective date of IIRIRA, April 1, 1997.

Cert. Granted 10/31/05